

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, May 4, 2009

Present: Ald. Albright, Brandel, Ciccone, Coletti, Danberg, Freedman, Fischman, Gentile, Harney, Hess-Mahan, Lappin, Lennon, Linsky, Mansfield, Merrill, Parker, Salvucci, Sangiolo, Schnipper, Swiston, Vance, Yates and Baker.

Absent: Ald. Johnson

THE BOARD OF ALDERMEN DISCUSSED AND VOTED THE FOLLOWING ITEMS ON SECOND CALL:

- #94-08 **PLANNING & DEVELOPMENT BOARD, ALD. JOHNSON & LINSKY** recommending the deletion of certain provisions and the addition of new provisions to regulate home businesses by amending Section 30-1, Definitions; Section 30-8, Use Regulations for Single Residence Districts; Section 30-8(b) and (c), Special Permits in Single Residence Districts; Section 30-9(b), Special Permits in Multi Residence Districts; Section 30-19(d), Number of Parking Stalls; and Section 30-20(e), Regulation of Signs in Residence Districts. The proposed amendments would revise or remove specific home occupations in the current definition of home businesses; modify the definition of home business; institute a registration requirement for some home businesses; allow multiple home businesses at the same residence provided that all home businesses combined do not exceed the limitations in the ordinance; revise the number of clients and employees non-resident to the business allowed on site at a given time without a special permit; amend and clarify limitations on storage, signage, and sale of merchandise; revise the list of prohibited neighborhood impacts; allow businesses in accessory apartments under certain circumstances; set a limit on the number of trips that may begin or end at a home business and the number of parking stalls demanded or utilized by the business without a special permit; revise the limit on the percentage of a dwelling unit that may be used for a home business without a special permit; require a special permit for home businesses involving the care and keeping of more than three animals; and revise the number of parking stalls required by a home business. **(90 days 5/21/09)**
ZONING & PLANNING APPROVED AS AMENDED 6-1 (Lappin) on 4/13/09
APPROVAL FAILED TO CARRY 10 YEAS, 12 NAYS (Albright, Brandel, Coletti, Freedman, Gentile, Hess-Mahan, Lappin,

Mansfield, Parker, Salvucci, Schnipper, Vance) 2 absent Harney, Sangiolo) on 4/21/09

MOTION TO RECONSIDER VOTE OF 4/21/09 FILED BY ALD. VANCE on 4/22/09

MOTION TO RECONSIDER FAILED 11 YEAS, 12 NAYS (Ald. Brandel, Ciccone, Coletti, Gentile, Harney, Lappin, Lennon, Mansfield, Parker, Salvucci, Sangiolo, Schnipper), 1 ABSENT (Ald. Johnson)

#70-09(2) **HIS HONOR THE MAYOR** submitting recommended FY2010 Water and Sewer Rates for implementation. [04/14/09 @ 5:33 PM]
COMMITTEE OF THE WHOLE APPROVED ON 05-04-09 21 YEAS, 2 ABSTENTIONS (Ald. Mansfield & Parker), 1 ABSENT (Ald. Johnson)

MOTION TO SUSPEND THE RULES AND REPORT THE ITEM WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE

MOTION TO POSTPONE TO MAY 18, 2009 WAS APPROVED BY VOICE VOTE

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES on 02-17-09

#60-09 **ALD. SANGIOLO, GENTILE AND HARNEY** requesting the installation of traffic islands on CONCORD STREET to be funded with the Cabot, Cabot and Forbes Traffic Mitigation Fund for Lower Falls (Ward 4). [02/03/09 @ 1:01 PM]

MOTION TO SUSPEND THE RULES AND TO REFER DOCKET ITEM #60-09, ORIGINALLY DOCKETED ON 02-17-09 AND REFERRED TO PUBLIC FACILITIES AND FINANCE, TO ALSO BE REFERRED TO PUBLIC SAFETY - APPROVED BY VOICE VOTE

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 1 ABSENT (Ald. Johnson) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, April 27, 2009

Appointment by His Honor the Mayor

#93-09 **ED ZIELINSKI**, 128 Gibbs Street, Newton Centre, appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office to expire January 1, 2012 (60 days: 6/5/09).

APPROVED 5-0 (Linsky, Harney, Ciccone not voting)

- #46-09 DIRECTOR OF PLANNING & DEVELOPMENT recommending that Chapter 30 of the Revised Ordinances of Newton, Massachusetts, 2007, be amended by allowing the board of aldermen to grant a special permit for a Planned Multi-Use Business Development in any Mixed Use 1 District; by adding to Section 30-1, Definitions, a definition for Overlay Zone; by modifying certain minimum criteria and additional special permit criteria for a Planned Multi-Use Business Development in Section 30-15(s), Planned Multi-Use Business Development; by modifying certain density and dimensional requirements for Planned Multi-Use Business Development in Table A of Section 30-15(s), Planned Multi-Use Business Development; by renumbering, in Section 30-11(d), subparagraph (12) as (13) and adding a new subparagraph (12); by renumbering, in Section 30-13(b), subparagraph (16) as (17) and adding a new subparagraph (16); by adding to Section 30-13, Mixed Use Districts, a new subsection 30-13(h), special permits for Planned Multi-Use Business Development; and by adding to Section 30-19(l), Off-Street Loading Requirements, a new subsection 30-19(l)(4) and the table of off-street loading requirements new provisions for buildings containing a mix of commercial and residential uses in a Planned Multi-Use Business Development and included as part of this amendment as Exhibit A.
A public hearing was opened on March 23, continued to April 13 and continued to April 27:
NO ACTION NECESSARY 7-0 (Lappin not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, April 22, 2009

- #83-06 ALD. SCHNIPPER & GENTILE requesting discussion with NStar regarding frequent power outages in the Newton Lower Falls area in particular Grayson Lane.
NO ACTION NECESSARY 7-0
- #379-07 ALD. LINSKY requesting review of how gas and electric utilities inform their customers as to work that is scheduled to be performed so that such customers are provided adequate notice to adjust or mitigate any disruption caused as a result of such work. [10-31-07 @ 10:15A.M.]
NO ACTION NECESSARY 7-0
- #350-07 ALD. LINSKY requesting discussion with the utility companies regarding rectification of utility wires that are not mounted high enough on utility poles to avoid being torn down, thereby causing damage to persons and/or property. [10-17-07 @ 10:33 AM]
NO ACTION NECESSARY 7-0

PUBLIC HEARINGS WERE ASSIGNED FOR MAY 19, 2009 FOR THE FOLLOWING LAND USE ITEMS:

- #102-09 VIDEOLINK/DIV WASHINGTON STREET, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to install a satellite antenna on an existing parking garage at 1210-1230 WASHINGTON STREET, WEST NEWTON, on land known as Sec 31, Blk 4, Lots 13 and 15, containing approx 79,093 and 14,089 sf, respectively, in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-18(a)(e)(5) and (f) of the City of Newton Rev Zoning Ord, 2007.
- #120-09 WILLIAM S. & GILLIAN B. PIERCE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXPAND A NONCONFORMING STRUCTURE to demolish an existing first-floor porch and to add a small two-story addition onto the south side of an existing single-family dwelling that is legally nonconforming with respect to floor area ratio at 19 GLEN ROAD, Ward 7, Newton Centre on land known as Sec 65, Lot 5, Blk, 7, containing 6,795 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)(b), 30-21(b) of the City of Newton Rev Zoning Ord, 2007.
- #121-09 CONGREGATION SHAAREI TEFILLAH, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXPAND A NONCONFORMING USE to add approximately 8,000 square feet to an existing Orthodox Synagogue to increase the number to a total of 405 seats and to waive the required number of parking stalls; locate a parking stall in the front setback; and to waive landscaping and lighting requirements for parking facilities for five or more stalls at 29-31 and 35 MORSELAND AVENUE, Ward 2, NEWTON CENTRE on land known as Sec 13, Blk 30, Lots 11A and 11b, containing a combined total of 31,300 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)b), 30-21(b), 30-19(h)(1), 30-19(i), (j), and (m) of the City of Newton Rev Zoning Ord, 2007, and special permit #47-87, condition nos. 3 and 5.

MOTION TO SUSPEND THE RULES AND TO ACCEPT THE FOLLOWING LATE FILED ITEM TO THE DOCKET AND REFER TO ZONING AND PLANNING COMMITTEE WAS APPROVED BY VOICE VOTE

- #123-09 ALD. YATES requesting a report from His Honor the Mayor as to why the Massachusetts Bio-Technology Council has not listed Newton as a bio-ready community despite the fact that we have had an ordinance intended to encourage such economic development in place for over a decade and what steps the city would need to take to become bio-ready.
[4/30/09 @3:37 PM]